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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,874	01/27/2004	Steven L. Greenspan		9399

7590 08/16/2006

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EXAMINER
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LE, MIRANDA

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/764,874

Applicant(s)

GREENSPAN ET AL.

Examiner

Miranda Le

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 14, 13 are objected to because of the following informalities:

Claim 1, step d), last line, "record." should be changed to "record,".

Claim 9, line 2, "display on a television a over a digital network..." does not make sense.

Claim 13, line 1, "An system" should be read as "A system".

Claim 14, line 1, "the method" should be changed to "The method"; and line 2, the commas after the word "system" appear twice.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 11-14, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chack et al. (US Patent No. 6,421,675).

Chack anticipated independent claims 1, 13, 20 by the following:

**As per claim 1**, Chack teaches a method for establishing a plurality of data sharing connections in a data communications service (*i.e. second communication medium, col. 2, lines 38-46*) among a plurality of users who are concurrently communicating on a first communication service (*i.e. first communication medium, col. 2, lines 38-46*), each user respectively associated with one member of a plurality of users accounts (*i.e. between two devices or individuals, col. 2, lines 14-27; name, account number, col. 8, lines 33-57*), said data communication service distinct from the first communication service, and the method comprising the steps of:

a) associating a session record (*i.e. the URL, col. 6, lines 11-31*) with at least two user accounts, each user account (*e.g., name, account number, col. 8, lines 33-57*) identifying one member (*i.e. a particular call initiator, col. 6, lines 11-31*) of the plurality of users communicating with one another on said first communication service (*i.e. first communication medium, col. 2, lines 38-46*), the user account selected from the group consisting of permanent and temporary user accounts (*i.e. a new "URL request" message may be created to request a URL from a transaction processing system. Alternatively, a temporary signaling connection may be established between the transaction initiator and the transaction processing system to allow the exchange of various messages, col. 5, line 46-65*) (*col. 6, lines 11-31*) (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58; col. 8, line 5 to col. 9, line 16*),

b) identifying said session record for at least one data sharing (*i.e. Web page identified or generated, col. 6, lines 11-31*) connection between a software process (*i.e. a software-based telephone implemented by computer 22, col. 4, line 65 to col. 5, line 15*) acting on behalf of a terminal device (*i.e. computer 22, col. 4, line 65 to col. 5, line 15*) on said data communication

service and a session manager (*i.e. PSTN 12, transaction processing systems, Web server 16, col. 5, lines 35-45*), the association based upon an account identifier (*i.e. the call initiator's telephone number, col. 6, lines 11-31*) provided through said software process and corresponding to at least one user of the terminal (*i.e. between two devices or individuals, col. 2, lines 14-27*), thereby establishing the data sharing connection for the at least one software process (*col. 5, line 46 to col. 6, line 64*),

c) associating the session record with information to be conveyed across said data communication service to the at least one terminal device (*i.e. retrieve one or more web pages associated with the URL provided by the transaction processing system, col. 6, lines 47-64*) (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58*),

d) sending the information (*i.e. email message on the web page, col. 8, lines 45-57; user enters information on the web page, col. 8, lines 33-44*) over the at least one data sharing connection, each connection associated with said session record (*i.e. web browsers may be used to retrieve web pages from a web server, col. 6, lines 47-64*) (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58*),

whereby a plurality of users will receive the information (*i.e. visual information, col. 6, lines 47-64*) sent by at least one user over the data communication service while they remain connected (*i.e. the call initiator can communicate verbally, col. 6, lines 46-64*) to each other on the first communication service (*i.e. At this point, an audible connection and a data connection have been established between the call initiator and the transaction processing system, col. 6, lines 46-64*).

As per claim 13, Chack teaches a system for sharing information (*i.e. visual information, col. 6, lines 47-64*) on a data communication network (*i.e. second communication medium, col. 2, lines 38-46*) based on a concurrent connection among a plurality of users communicating with one another on a first communication network (*i.e. first communication medium, col. 2, lines 38-46*), the data communication network (*i.e. a data connection, col. 6, lines 46-64*) distinct from the first communication network (*i.e. an audible connection, col. 6, lines 46-64*), comprising:

a) a plurality of terminal devices for retrieving multimedia information from a plurality of information sources on said data communication network (*i.e. between two devices or individuals, col. 2, lines 14-27; name, account number, col. 8, lines 33-57*) (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58*),

b) account management means (*i.e. the transaction processing system can maintain a database, col. 6, lines 11-31*) for determining a user account for each of at least two members of said plurality of users who are communicating with one another on the first communication network, the user account selected from a group consisting of permanent and temporary user accounts (*i.e. a new "URL request" message may be created to request a URL from a transaction processing system. Alternatively, a temporary signaling connection may be established between the transaction initiator and the transaction processing system to allow the exchange of various messages, col. 5, line 46-65*) (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58*),

c) first means (*i.e. a transaction processing action processing system, col. 5, line 66 to col. 6, line 11*) for associating a session identifier (*i.e. URL, col. 5, line 66 to col. 6, line 11*) with the at least two user accounts, each user account identified by a user account identifier (*i.e. name, account number, col. 8, lines 33-57*) (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58*),

d) terminal software means (*i.e. a software-based telephone implemented by computer 22, col. 4, line 65 to col. 5, line 15*) for establishing a connection on a data communication network between at least one terminal device and a session manager (*i.e. PSTN 12, transaction processing systems, Web server 16, col. 5, lines 35-45*), said connection providing an account identifier (*i.e. the call initiator's telephone number, col. 6, lines 11-31*), thereby establishing session access for the at least one terminal device (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58*),

e) second means for selecting information (*i.e. Web page identified or generated, col. 6, lines 11-31*) to be transmitted on the data communication network (*i.e. email message on the web page, col. 8, lines 45-57; user enters information on the web page, col. 8, lines 33-44*) (*col. 5, line 46 to col. 6, line 64*) (*col. 7, lines 9-58*), and

f) session manager means (*i.e. PSTN 12, transaction processing systems, Web server 16, col. 5, lines 35-45*) for routing the selected information over the data sharing connections to the terminal devices associated with the same session identifier (*i.e. URL, col. 7, lines 9-39*) (*col. 5, line 46 to col. 6, line 64; col. 8, line 5 to col. 9, line 16*),

whereby information (*i.e. visual information, col. 6, lines 47-64*) can be shared among said plurality of a data communication network, while the users communicate (*i.e. the call initiator can communicate verbally, col. 6, lines 46-64*) on the first communication network (*i.e. At this point, an audible connection and a data connection have been established between the call initiator and the transaction processing system, col. 6, lines 46-64*).

**As per claim 20**, Chack teaches the method for sharing information on a data network, the method comprising the steps of:

providing information across a data connection to a plurality of recipients (*i.e. between two devices or individuals, col. 2, lines 14-27*), in response to said recipient also participating in a voice connection (*i.e. an audible connection, col. 6, lines 46-64*), wherein each of the recipient is identified by a user account activated (*i.e. between two devices or individuals, col. 2, lines 14-27; name, account number, col. 8, lines 33-57*) when establishing said voice connection and independently identified (*i.e. visual information, col. 6, lines 47-64*) when establishing said data connection, the data connection distinct from the voice connection (*i.e. At this point, an audible connection and a data connection have been established between the call initiator and the transaction processing system, col. 6, lines 46-64*).

**As per claim 2**, Chack teaches the step of specifying data sharing privileges for the at least two users of said data communication service such that the at least one of the users can send and receive information and the at least one of the other users can only receive information (*col. 12, lines 25-53*) (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58*),

**As per claim 3**, Chack teaches the step of specifying data sharing attributes for at least one user account of said data communication service such that the information is transformed in accord with said attributes (*col. 5, line 46 to col. 6, line 64; name, account number, or the reason for the call, col. 8, lines 33-57*) (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58*),



**As per claim 4**, Chack teaches the step of ending the data sharing connection for the at least one terminal on the data communication service when the user of said terminal is no longer communicating (*i.e. log out*) over the first communication service (*i.e. col. 11, line 65 to col. 12, line 24; col. 7, lines 9-58*).

**As per claim 5**, Chack teaches a communication appliance used with the first communication service is distinct and independent of the terminal device used with the data communication service (*col. 2, lines 38-46*).

**As per claim 6**, Chack teaches the first communication service interconnects a plurality of networks designed for voice communication (*col. 6, lines 46-64*).

**As per claim 7**, Chack teaches the first communication service is accessed through a plurality of networks designed for data communication (*col. 5, line 46 to col. 6, line 64*).

**As per claim 8**, Chack teaches each member of said plurality of networks is selected from the group consisting of television broadcast networks, wireless packet networks, dial-up data networks, and broadband data networks (*col. 5, lines 46-65*).

**As per claim 11**, Chack teaches said account identifier is entered manually through said software process acting on behalf of a terminal on the data communication service before said software process communicates with the session manager (*i.e. col. 12, line 54 to col. 13, line 10*).

**As per claim 12**, Chack teaches said user account is identified by at least one account identifier, said account identifier formed by combining components selected from the group containing telephone numbers, email addresses, instant messaging addresses, account logins, geographic addresses, personal identification numbers, spoken utterances, handwriting, and biometric characteristics (*col. 5, line 46 to col. 6, line 64; col. 7, lines 9-58; col. 12, line 54 to col. 13, line 10*).

**As per claim 14**, Chack teaches at least one user of said plurality of users is an automated interactive response system, responsive to an input signal from at least one human user communicating over the first communication network and the interactive response device sending responses to the at least one human user over the data communication network (*col. 6, lines 47-64; col. 10, line 59 to col. 11, line 61*).

**As per claim 16**, Chack teaches a means for de-activating the session identifier after each of the users of the plurality of users (*i.e. log out*) associated with the session identifier have terminated their respective connections on the first communication service (*i.e. col. 11, line 65 to col. 12, line 24*).

**As per claim 17**, Chack teaches a means of providing access to a history of the information shared, the history comprising instructions for retrieving the information shared over the data communication service (*col. 6, lines 11-31*).

**As per claim 18**, Chack teaches means for re-activating the session identifier when at least two users of the plurality of users associated with the de-activated session identifier have re-established communication through the first communication service, each user identifying a user account that was associated with the de-activated session identifier (*i.e. col. 11, line 65 to col. 12, line 24*).

**As per claim 19**, Chack teaches means for selecting the data to be shared is a plurality of software algorithms executing on a computer processor (*col. 6, lines 47-64; col. 10, line 59 to col. 11, line 61*).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chack et al. (US Patent No. 6,751,211), in view of Moynihan et al. (US Pub. No. 20020056119).

As per claim 9, Chack does not specifically teach the data communication service is a television narrowcast service transmitting signals for display on a television over a digital network selected from the group consisting of a plurality of cable networks, satellite television networks, and low power wireless television networks.

Moynihan teaches a television narrowcast service transmitting signals for display on a television over a digital network selected from the group consisting of a plurality of cable networks, satellite television networks, and low power wireless television networks (*narrowcast*, [0014]).

It would have been obvious to one of ordinary skill of the art having the teaching of Chack and Moynihan at the time the invention was made to modify the system of Chack to include a television narrowcast service transmitting signals for display on a television a over a digital network selected from the group consisting of a plurality of cable networks, satellite television networks, and low power wireless television networks as taught by Moynihan.

One of ordinary skill in the art would be motivated to make this combination in order to allow the producer to edit and market the original content in view of Moynihan, as doing so would give the added benefit of being enable the owner of the intellectual property to protect it through a password and thus earn a return on the original production costs as taught by Moynihan ([0014]).

As per claim 10, Moynihan said account identifier is automatically provided through the data communication service when the television is tuned to a specific channel ([0015]).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chack et al. (US Patent No. 6,751,211), in view of Stephens et al. (US Patent No. 7,023,465).

**As per claim 15**, Chack does not explicitly teach a means for specifying bandwidth and display parameters for at least one terminal device of said plurality of terminal devices so that the shared information is displayed appropriately on the at least one terminal device.

Stephens teaches a means for specifying bandwidth and display parameters for at least one terminal device of said plurality of terminal devices so that the shared information is displayed appropriately on the at least one terminal device (*i.e. 348 Kpbs, 768 Kpbs, col. 6, line 33 to col. 7, line 19*).

It would have been obvious to one of ordinary skill of the art having the teaching of Chack and Stephens at the time the invention was made to modify the system of Chack to include a means for specifying bandwidth and display parameters for at least one terminal device of said plurality of terminal devices so that the shared information is displayed appropriately on the at least one terminal device as taught by Stephens.

One of ordinary skill in the art would be motivated to make this combination in order to determine call configurations in view of Stephens, as doing so would give the added benefit of assigning a priority to a video call request based on participants of the video call so that configuration engine considers device reliability and establishes call configurations for higher priority video calls with more reliable video devices as taught by Stephens (*col. 6, line 54 to col. 7, line 19*).

Art Unit: 2167

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
August 11, 2006



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